

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40932 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Md. Perwaiz Alam @ Prawez Alam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rathore Vasundhara

For the Opposite Party/s : Mr. Narendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand.

It is submitted by learned counsel for the petitioner that after few months of marriage, the informant went to her parents house and since then she never returned, consequently the petitioner filed Matrimonial Suit No. 224 of 2014 for restitution of conjugal life on 29.08.2014 and thereafter the present FIR was registered on 15.06.2015. The petitioner admits his marriage with the informant and is ready to keep the informant as

wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

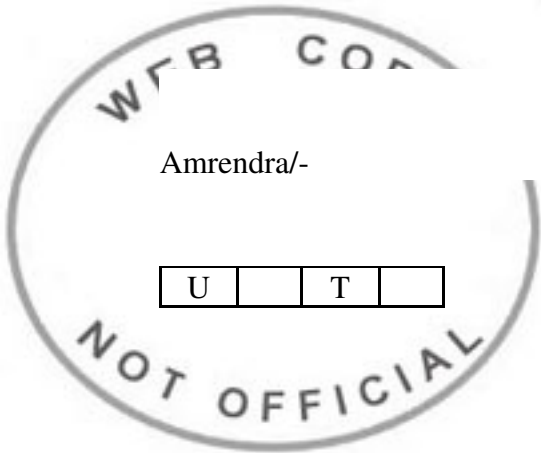
“That apart from above petitioner is ready to live with informant to lead conjugal life with her.”

It is further submitted that similar was stand of the petitioner before the learned court below when the informant appeared through lawyer and submitted that there is no scope for settlement in between the informant and petitioner.

Considering the filing of restitution case at earlier point of time and the present stand of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Nalanda at Bihar Sharif in connection with Mahila (Bihar Sharif) P.S. Case No. 81 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The grant of bail to the petitioner will not preclude the informant to resume the conjugal life and if she files any such application before the learned court below then the learned court below will issue notice to the petitioner when the petitioner will be

obliged to comply the undertaking given before this court.



(Dinesh Kumar Singh, J)